IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR
&
THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

MONDAY, THE 12TH NOVEMBER 2007 / 21ST KARTHIKA 1929

WP(C).No. 37622 of 2003(S)

PETITIONERS:
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1. **UNION OF INDIA,**
   REPRESENTED BY SECRETARY,
   MINISTRY OF COMMUNICATIONS, NEW DELHI.

2. **THE GENERAL MANAGER, TELECOM,**
   B.S.N.L. KOTTAYAM.

3. **THE SUB DIVISIONAL ENGINEER (TRUNKS),**
   OFFICE OF GENERAL MANAGER, TELECOM, KOTTAYAM.

4. **THE CHIEF GENERAL MANAGER,**
   B.S.N.L. KERALA CIRCLE, THIRUVANANTHAPURAM.

BY ADV. SRI.P.VIJAYAKUMAR, SC, BSNL.

RESPONDENTS:
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1. **K.P.VASUDEVA MARAR,**
   S/O. PARAMESHWARA MARAR, SENIOR TELECOM OPERATING ASSISTANT (P), E10B EXCHANGE, KOTTAYAM,
   RESIDING AT KUZHIKKATTU HOUSE, P.O. PADUA,KOTTAYAM

2. **THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL,ERNAKULAM BENCH, REPRESENTED BY REGISTRAR.**

BY ADV. SRI.M.R.RAJENDRAN NAIR,
SRI.M.R.SUDHEENDRAN,
SRI.HARIRAJ,
SRI.P.A.KUMARAN,
SMT.VINEETHA B.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 12/11/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C). NO.37622/2003-S:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE O.A. 1179/2000 WITH ANNEXURES.

EXT.P.2: COPY OF THE REPLY STATEMENT FILED BY PETITIONERS (RESPONDENTS IN O.A) IN O.A. 1179/2000.

EXT.P.3: COPY OF THE ADDITIONAL REPLY STATEMENT FILED BY PETITIONERS (RESPONDENTS IN O.A) IN O.A. 1179/2000 WITH ANNEXURE R2.C.

EXT.P.4: COPY OF THE ORDER DTD. 23/09/2002 IN O.A. 1179/2000 PASSED BY THE R.2.

RESPONDENT'S EXHIBITS: NIL.

//TRUE COPY//

prv.

K.BALAKRISHNAN NAIR &

K.P.BALACHANDRAN, JJ.

W.P.(C) NO. 37622 OF 2003-S

Dated 12th November, 2007.

JUDGMENT

Balakrishnan Nair, J.

The petitioners challenge Ext.P4 order of the Central Administrative Tribunal dated 23.9.2002. Though, this writ petition was admitted, no stay was granted. Subsequently, the 1st respondent, who was the applicant before the Tribunal, died on 25.1.2006. This Court on 1.2.2006 directed the petitioners to take steps to serve notice on the legal heirs and granted one month's time. Again, this Court on 13.3.2006 granted one month's time to cure the defect. The petitioners must be aware of the details of the widow, available in the pension papers. We find no justification for not curing the defect. Though, the learned counsel for the petitioners prayed for some time to cure the defect, we feel that at this distance of time the widow of the 1st respondent should not be called upon to defend an order obtained by her husband in September, 2002. We also notice that there was no stay against

the said order. In view of the above position, the writ petition is dismissed.

K.BALAKRISHNAN NAIR, JUDGE.

K.P.BALACHANDRAN, JUDGE.

Nm/